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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,416	04/10/2001	Wolfgang Bartsch	7108 US	9542
7590	11/09/2005		EXAMINER	
Francis I. Gray, MS 50-LAW TEKTRONIX, INC. P.O. Box 500 Beaverton, OR 97077			DUONG, FRANK	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/832,416

Applicant(s)

BARTSCH, WOLFGANG

Examiner

Frank Duong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is a response to communications dated 09/07/05. Claims 1-5 are pending in the application.

#### ***Claim Objections***

2. Claims 1-4 are objected to because of the following informalities:

As per **claim 1**:

Line 3, the term "may be" should be replaced with --are--.

Line 4, the term "being capable of being" should be replaced with --are--.

Line 8, the term "may be" should be replaced with --are--.

As per **claim 2**, line 2, the term "may be" should be replaced with --is--.

As per **claim 3**, line 2, the term "may be" should be replaced with --is--.

As per **claim 4**:

Line 5, the term "may be" should be replaced with --are--.

Line 4, the term "being capable of being" should be replaced with --are--.

Line 8, the term "may be" should be replaced with --are--.

The above terms have a tendency to make the subsequent limitation optional.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang (Protocol Compatibility Tester for CDMA Mobile Systems (CMS), IEEE, pages 96-101) (hereinafter "Yang").

Regarding **claim 1**, in accordance with Yang reference entirety, Yang shows a decoding device for analyzing communication protocols (*Figs. 2; section 2.1*) comprising:

a generic decoder (*Fig. 2; PAST Interface Controller*) into which a limited number of protocol descriptions (*PDLs discussed on page 97*) may be loaded, the protocol descriptions being capable of being interpreted by the generic decoder (page 97); and

a specific decoder (*Fig. 2; Machine (IBM compatible PC)*) designed for a certain protocol description (*page 99, section 3.2; RS-422 or T1*), the generic and specific decoders being reversibly connected so that the generic and specific decoders may be updated separately (*see Figs. 2 and 6 for connection details. There is beyond reason of doubt that PAST Interface Controller and IBM compatible PC can be separately updated*).

Regarding **claim 2**, in addition to features recited in base claim 1 (see rationales discussed above), Yang further shows wherein the generic decoder comprises at least one element function (system program) that *may be* overlaid by a corresponding element function (*HD64180*) of the specific decoder (*page 99, section 3.2, it is disclosed*

*the IBM compatible PC/486 can thus download to the HD64180 system program, which can be then be executed autonomously).*

Regarding claim 3, in addition to features recited in base claim 2 (see rationales discussed above), Yang further shows wherein the one overlaid element function may be interpreted by the generic decoder (*page 97, section 3.1, it is disclosed the PDLs designed for protocol testing*).

Regarding **claim 4**, in accordance with Yang reference entirety, Baker discloses a method of setting up a decoding device (*Fig. 2*) comprising the steps of:

provisioning a generic decoder (*Fig. 2; PAST Interface Controller*) into which a limited number of protocol descriptions (*PDLs discussed on page 97*) of communication protocols may be loaded, the protocol descriptions being capable of being interpreted by the generic decoder (*page 97*);

provisioning a specific decoder (*Fig. 2; Machine (IBM compatible PC)*) for a certain protocol description (*page 99, section 3.2; RS-422 or T1*); and reversibly connecting the generic and specific decoders to form the decoding device so that the generic and specific decoders may be updated separately (*see Figs. 2 and 6 for connection details. There is beyond reason of doubt that PAST Interface Controller and IBM compatible PC can be separately updated*).

Regarding **claim 5**, in addition to features recited in base claim 4 (see rationales discussed above), Yang further discloses wherein the generic decoder comprises at least one element function (system program) overlaid by a corresponding element function (*HD64180*) of the specific decoder during connection of the generic decoding

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with the specific decoder (*page 97, section 3.1, it is disclosed the PDLs designed for protocol testing*).

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anderson et al (USP 5,850,388).

Vixie et al (USP 5,826,018).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Frank Duong', written in a cursive style.

**FRANK DUONG**  
**PRIMARY EXAMINER**

November 3, 2005